



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pietro Padovani) Examiner: J. Mackey
Patent Appl: 08/809,340) Art Unit: 1722
Filed: May 6, 1997)
For: "THERMOFORMING APPARATUS . . .") Our Ref: B-3289PCT
Re: *Response to Restriction Requirement*) 615920-5/RPB
) Date: November 18, 2003
)
)

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper responds to the restriction requirement set forth in the Office Action mailed on June 23, 2003. That Office Action set forth a one month term for a reply. Therefore, enclosed with this paper is a petition for a four month extension of time and the requisite fee.

In response to the Office Action mailed on June 23, 2003, the Applicant provisionally elects Group I, Claims 6, 8, 10, 13, 14, 16, 19, 20, 25-30 and 43, drawn to a thermoforming apparatus.

In the Office Action, the Examiner states that if Group I was elected, the Applicant is also required to elect either Species A (claim 25) or Species B (claim 43). The Applicant provisionally elects Species B, which is drawn to a "receiving conveying template annular collar having retention means being an interior dimension smallest in a region furthest from the exterior surface." The Examiner indicates that Claim 43 is readable on Species B and the Applicant agrees. Therefore, the Applicant submits that at least independent Claim 43 and Claims 6, 8, 10, 13, 14, 16, 19, and 20, either directly or indirectly dependent on Claim 43, should be examined by the Examiner.

The Applicant notes that the election of the invention above is a provisional election and traverses the restriction as set forth below.

While the Applicant does not disagree with the Examiner's finding that Groups I and II and Species A and B may be patentably distinct, the Applicant notes that 35 U.S.C. § 121 authorizes, but does not require, the USPTO to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expense that would be imposed upon the Applicant by multiple patent applications and multiple patents, it is believed that restriction requirements should be issued only when absolutely necessary. Therefore, it is requested that the Examiner withdraw the restriction requirement.

It is submitted that the application is in condition for allowance with the election of claims in Group I and Species B. Allowance of the application at an early date is solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 18, 2003

(Date of Mailing)

Ross A. Schmitt

(Name of Person Mailing)

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(Signature)

11-18-2003

(Date)

Respectfully submitted,

Ross A. Schmitt

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